

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HEATHER L. WHITE,

Plaintiff,

v.

Case No. 18-11979

PORTFOLIO RECOVERY
ASSOCIATES, LLC.,

HON. AVERN COHN

Defendant.

_____ /

ORDER REGARDING DEFENDANT'S MOTION (Doc. 28)¹

This is a debt collection case brought under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692. Plaintiff Heather White (White) sued defendant Portfolio Assets Recovery LLC (Portfolio), for attempting to collect a debt that had previously been discharged as part of her bankruptcy proceeding. White also sought class action status to represent other similarly situated individuals.

After the complaint was filed and before a motion for class certification was filed, Portfolio offered White a Rule 68 offer of judgment. White accepted. The Court ruled that White's acceptance of the offer of judgment rendered the case, including any class action, moot. Accordingly, the Court dismissed the case. (Doc. 22). White appealed. (Doc. 23). The Court then entered an Order and Judgment in favor of White in the amount of \$3,000.00 (Doc. 27). White has apparently accepted a check in the amount of \$3,000.00.

¹Upon review of the parties' papers, the Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78(b); E.D. Mich. LR 7.1(f)(2).

Before the Court is Portfolio's motion styled "Defendant's Motion to Set Briefing Schedule to Determine Plaintiff's Reasonable Attorney Fees, if any, and for Leave to Deposit Judgment Balance Pursuant to Rule 67." (Doc. 28).

Because the parties have subsequently agreed on plaintiff's attorney fees and costs incurred to the date of the judgment, the request for a briefing schedule on the issue is MOOT. As to the request for leave, Portfolio asks that it be ordered to deposit the amount of attorney fees and costs (\$1,650.00) into the Court, that the Court enter an order stating that Portfolio has satisfied the judgment and releasing the judgment. Given that the case is still on appeal, Portfolio's request is DENIED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: 3/5/2019
Detroit, Michigan